

## **CHAPTER 75-04-04 FAMILY SUBSIDY PROGRAM**

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**75-04-04-01. Authority.** Repealed effective July 1, 1991.

**75-04-04-02. Objective.** The objective of the family subsidy program is to enable an eligible child to remain in or return to the family home, thus avoiding or reducing the necessity of an out-of-home placement. The program recognizes that parents who maintain an eligible child in the home often incur extraordinary financial obligations. The program provides financial resources directly to the parent to assist in meeting an eligible child's special needs.

**History:** Effective January 1, 1980; amended effective July 1, 1991.

**General Authority:** S.L. 1979, Ch. 10, § 4; NDCC 50-06-05.1

**Law Implemented:** S.L. 1979, Ch. 10, § 4

**75-04-04-03. Definitions.** As used in this chapter unless the context requires otherwise:

1. "Family" means a parent and an eligible child.
2. "Individual service plan" (ISP) means a document which describes service needs of the eligible child and the scope of services to be provided. The individual service plan, in conjunction with an individual program plan (IPP) prepared by each provider, provides a comprehensive plan of care. This comprehensive plan of care identifies the services to be provided, the persons who will provide services, the time period of service provision, and the frequency of the service.
3. "Out-of-home placement" means a setting more restrictive than a family home, such as in an institution, a group residential facility or group home, or a part-time to full-time placement in another family or foster home.

4. "Parent" means the natural or adoptive parent, guardian, person who stands in loco parentis to the child, attorney in fact of a parent or guardian, or a person to whom legal custody of the child has been given by order of a court.

**History:** Effective January 1, 1980; amended effective December 1, 1981; July 1, 1991.

**General Authority:** S.L. 1979, Ch. 10, § 4; NDCC 50-06-05.1

**Law Implemented:** S.L. 1979, Ch. 10, § 4

#### **75-04-04-04. Application process and priority for assistance.**

1. Any parent who desires to apply for family subsidy to maintain an eligible child in the home, or return the child home from an out-of-home placement, shall make application to do so. Applications shall be available at the regional human service centers.
2. Any parent participating in the family subsidy program on June thirtieth of the previous fiscal year who desires to continue in the program must reapply each year. Priority will be determined by severity of need of the family.
3. A waiting list of families with eligible children, but for whom funding is not immediately available, shall be established. The waiting list shall be maintained on a priority basis.

**History:** Effective January 1, 1980; amended effective December 1, 1981; July 1, 1991.

**General Authority:** S.L. 1979, Ch. 10, § 4; NDCC 50-06-05.1

**Law Implemented:** S.L. 1979, Ch.10, § 4

#### **75-04-04-05. Eligibility for family subsidy program.**

1. A parent applying for financial assistance under this program must:
  - a. Reside within the state of North Dakota;
  - b. Desire to maintain the eligible child within the parent's home, or return the child to the parent's home from an out-of-home placement; and
  - c. Provide the agency with the necessary medical, psychological, or educational evaluations relating to their child for agency determination of eligibility.
2. A child on whose behalf a family subsidy will be provided upon application must:

- a. Have been found eligible for developmental disabilities case management; and
  - b. Be twenty-one years of age or under.
3. Supplemental security income, social security disability income, medical assistance, and other payments made to or on behalf of the child will be considered as family resources. All family resources will be evaluated as to their effectiveness in lessening the impact of the disability on the family.

**History:** Effective January 1, 1980; amended effective December 1, 1981; July 1, 1982; July 1, 1991.

**General Authority:** S.L. 1979, Ch. 10, § 4; NDCC 50-06-05.1

**Law Implemented:** S.L. 1979, Ch. 10, § 4

**75-04-04-06. Certification process.** Certification of eligibility for the family subsidy program will use the following procedure:

1. An application for developmental disabilities case management will be completed by a parent and submitted to the regional human service center where, upon a determination of eligibility, the child will be assigned to a developmental disabilities case manager.
2. The regional developmental disabilities case manager will:
  - a. Assess the functional level of the child;
  - b. Gather all available, pertinent evaluation data; and
  - c. Organize an interagency individual service plan team consisting of the referral source, potential service providers, the child, parent, and whomever else is necessary to develop an individual service plan.
3. The interagency individual service plan team will:
  - a. Determine if evaluation data available is adequate to make program decisions;
  - b. Serve as the service evaluation team for the child;
  - c. Recommend appropriate services, service settings, and treatment; and
  - d. Certify program eligibility by signing the individual service plan.

4. The department of human services will, within the limits of available funding, offer a family subsidy contract to an eligible parent, with the level of funding set in accordance with the recommendations of the individual service plan team and the developmental disabilities case manager; provided, however, that the amounts available for any individual contract must be within the maximum dollar limits set by the developmental disabilities division, department of human services, for individual contracts.
5. Redetermination of the families' eligibility and the contract amount must be accomplished each state fiscal year (July first through June thirtieth).

**History:** Effective January 1, 1980; amended effective December 1, 1981; July 1, 1991.

**General Authority:** S.L. 1979, Ch. 10, § 4; NDCC 50-06-05.1

**Law Implemented:** S.L. 1979, Ch. 10, § 4

**75-04-04-07. Appeal from denial or discontinuance.** A parent denied acceptance into the program or discontinued from the program shall be informed in writing of the reasons for the denial or discontinuance and, if appeal is made within ten days of the receipt of such notice, shall be afforded the right to an administrative hearing in the manner prescribed by chapter 75-01-03. Such parent may elect to utilize the informal human service center client grievance procedures contained in department of human services manual chapter 120-45. If such an informal grievance is filed in a timely fashion, such parents may, if dissatisfied with the outcome of the grievance, appeal the denial of acceptance or discontinuance from the program as provided for in manual chapter 120-45.

**History:** Effective January 1, 1980; amended effective July 1, 1991.

**General Authority:** S.L. 1979, Ch. 10, § 4

**Law Implemented:** S.L. 1979, Ch. 10, § 4

**75-04-04-08. Reimbursement to eligible parents.** Reimbursement not to exceed the contracted amount will be paid to the parent for services or treatment which the child receives in accordance with the individual service plan.

1. Excess costs reimbursed monthly, in whole or part, by the family subsidy contract include, but are not limited to, the following:
  - a. Purchase of special equipment.
  - b. Specialized therapy, e.g., speech, occupational, or physical therapy.
  - c. Special diets.
  - d. Medical or dental care not covered under the family's health insurance or a federally funded program such as medical assistance or crippled children's services.

- e. Home health care.
  - f. Counseling for the child or family, including behavior management.
  - g. Extraordinary expense for child care by a person other than a parent of the child.
  - h. Special clothing.
  - i. Recreational services as related to the child's disability.
  - j. Related transportation.
  - k. Housing modification.
  - l. Excess cost of health insurance.
2. Reimbursement will begin following the signing of a family subsidy contract between the parent and the department of human services. Reimbursement of a contracted amount will be based upon the case manager's receipt of a written statement and receipts from the parent itemizing the expenditures or obligations in carrying out the individual service plan incurred following execution of the contract.

**History:** Effective January 1, 1980; amended effective December 1, 1981; July 1, 1982; July 1, 1991.

**General Authority:** S.L. 1979, Ch. 10, § 4, S.L. 1989, Ch. 68, § 4; NDCC 50-06-05.1

**Law Implemented:** S.L. 1979, Ch. 10, § 4, S.L. 1989, Ch. 68, § 4

**75-04-04-09. Responsibilities of parents participating in the family subsidy program.** The responsibilities of a parent who desires to participate in the family subsidy program include:

1. Participation with the department of human services in the development of an individual service plan for the child.
2. Signing the individual service plan agreeing to the plan of services , and the contract referred to in subsection 4 of section 75-04-04-06.
3. Obtaining the agreed-upon services for the child.
4. Maintaining an accounting of the funds expended for the agreed-upon services.

5. Participating in the developmental disabilities case management system.

**History:** Effective January 1, 1980; amended effective December 1, 1981; July 1, 1991.

**General Authority:** S.L. 1979, Ch. 10, § 4; NDCC 50-06-05.1

**Law Implemented:** S.L. 1979, Ch. 10, § 4

**75-04-04-10. Discontinuance of participation in the family subsidy program.** Participation in the family subsidy program will be terminated under any of the following conditions:

1. The family requests termination.
2. Death of the child.
3. Voluntary or court-ordered out-of-home placement of the child.
4. The child reaches age twenty-two.
5. The family moves out of state.
6. The child no longer is eligible for developmental disabilities case management services.
7. The individual service plan team recommends certification be discontinued.
8. Unavailability of funds.
9. The family withdraws from developmental disabilities case management.
10. The family does not implement the care and treatment program agreed upon in the individual service plan.
11. The family does not maintain adequate accounting of the costs paid by them pursuant to the contract required by this chapter.

**History:** Effective January 1, 1980; amended effective December 1, 1981; July 1, 1991.

**General Authority:** S.L. 1979, Ch. 10, § 4; NDCC 50-06-05.1

**Law Implemented:** S.L. 1979, Ch. 10, § 4